

3-21-06

*TFW*

2667

George S. Cole, Esq.  
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495 Seaport Court, Suite 101  
Redwood City, CA 94063

Commissioner For Patents  
Attn: Examiner Blanche Wong, Art Group 2667  
P. O. Box 1450  
Alexandria, VA 22313-1450

Mar. 20<sup>th</sup>, 2006

Re: Application 09/878,789 Agee et al.

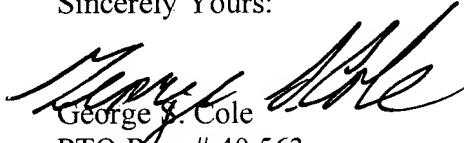
Dear Examiner Wong:

Enclosed is the copy of the Notice of Non-Compliant Amendment of 2-21-06 for the above-numbered patent, and the Response thereto with the requested corrections.

I have shown the changes, as requested, with underlining rather than brackets.

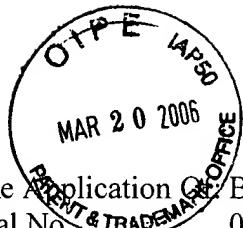
At this time, I believe the application is in proper form and ready to issue, and request that that occur.

Sincerely Yours:



George S. Cole  
PTO Reg. # 40,563

GSC/ms



In Re Application Of Brian G. Agee et al.  
Serial No. 09/787,789  
Filed: 06/10/2001  
For: Method and Appara...

Examiner: Blanche Wong  
Group Art Unit: 2667  
Atty. Docket No:  
Date: Mar. 20th, 2006

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SIR: Transmitted herewith are:

a Response to the Notice of Non-Compliant Amendment for the above application.

an edited copy of the revised claims, with a claims listing and claims status, pursuant with 37 CFR 1.21

The Commissioner is herewith authorized to charge payment of the necessary fees, or credit any overpayment to Deposit Account 50-0705 associated with this communication for any related purpose, including: ( A DUPLICATE COPY OF THIS SHEET IS ENCLOSED)

Any additional filing fees required for presentation of extra claims  
 Any extension or petition fees.

Small entity status for this application under 37 CFR §1.9 and 1.27 has been established by a verified statement previously submitted.

Respectfully Submitted:



George S. Cole, Esq.  
PTO #40,563

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In Re Application Of: Brian G. Agee	Examiner: Blanche Wong
Serial No. 09/787,789	Group Art Unit: 2667
Filed: 06/10/2001	Atty. Docket No:
For: <u>Method and Appara...</u>	Date: Mar. 20th, 2006

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SIR: Transmitted herewith are:

a Response to the Office Action for the above application.

an edited copy of the revised claims, with a claims listing and claims status, pursuant with 37 CFR 1.21

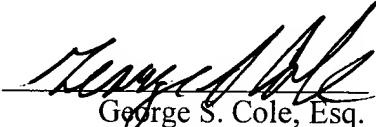
The Commissioner is herewith authorized to charge payment of the necessary fees, or credit any overpayment to Deposit Account 50-0705 associated with this communication for any related purpose, including: ( A DUPLICATE COPY OF THIS SHEET IS ENCLOSED)

Any additional filing fees required for presentation of extra claims

Any extension or petition fees.

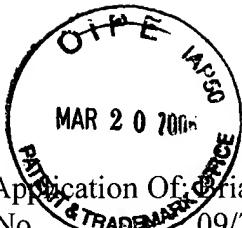
Small entity status for this application under 37 CFR §1.9 and 1.27 has been established by a verified statement previously submitted.

Respectfully Submitted:



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In Re Application Of: Brian G. Agee et al.  
Serial No. 09/787,789  
Filed: 06/10/2001  
For: Method and Appara...

Examiner: Blanche Wong  
Group Art Unit: 2667  
Atty. Docket No:  
Date: Mar. 20th, 2006

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

This is in response to the Notice of Non-Compliant Amendment mailed 2/21/2006, a copy of which is enclosed.

**CHANGES TO THE CLAIMS**

The only objection to the previously-submitted Claims listing was that brackets “[ ]” had been used to indicate changes, rather than underlining.

All of the text previously indicated as having been changed by brackets, has now been underlined, and those brackets removed.

If the Examiner or Supervising Examiner has any questions or wishes to discuss this matter she or he is urged to contact the Applicant's attorney, George S. Cole, Esq., using the phone, fax, or email below.

A claims listing with the status of each claim, with the claims in ascending order, and with the text of the claim, has been appended to this Response. This listing of claims will replace all prior versions, and listings, of claims in the application.

The Applicant believes that these claims are now all in presently allowable, correct, and proper form, and respectfully asks that a timely Notice of Allowance be issued in this case.

Respectfully Submitted:



George S. Cole, Esq.  
PTO #40,563

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Fax:(650) 322-6117  
[GSCdLawyer@aol.com](mailto:GSCdLawyer@aol.com)

# EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label No: \_\_\_\_\_ EQ 199949723 US \_\_\_\_\_

Date of Deposit: \_\_\_\_\_ Mar. 20th, 2006 \_\_\_\_\_

I hereby certify that the following documents:

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- Cover letter to Examiner;
- Copy of Notice of Non-Compliant Amendment;
- Response;
- Compliant Amendment to Claims in Claims Listing  
(changes marked by underline);

and,

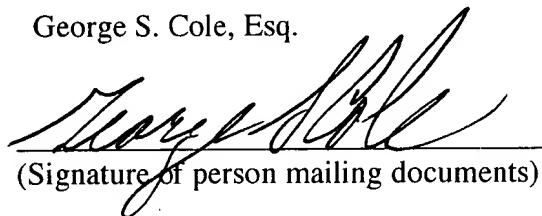
- a copy of this Express Mail Certificate;

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are being deposited in a single envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and such envelope is addressed to:

**Mail Stop Non-Fee Amendment  
Attn: Examiner Blanche Wong, Art Unit 2667  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.**

George S. Cole, Esq.

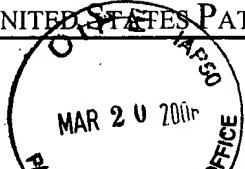


A handwritten signature in black ink, appearing to read "George S. Cole".

(Signature of person mailing documents)



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,789	06/16/2001	Brian G. Agee		1456

7590 02/21/2006

George S. Cole, Esq.  
495 Seaport Court, Suite 101  
Redwood City, CA 94063

Brian G. Agee

EXAMINER

WONG, BLANCHE

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.	09/878,789	Applicant(s)
Examiner	Blanche Wong	AGEE ET AL. Art Unit 2667
		MAILED MAR 20 2006 U.S. PATENT & TRADEMARK OFFICE

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

The amendment document filed on 12 January 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Cancelled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preonnotice/officeflyer.pdf>.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 4(e) Other: The text of any added subject matter must be shown by underlining the added text.

  
CHI PHAM  
PROVISIONAL PATENT EXAMINER  
TECHNOLOGY CENTER 22  
2/17/06